

Good Governance Model Implementation of Copyright Infringement in Cinematographic Works According to Copyright Act B.E. 2537 (1994)

Chanuan Uakarn¹,
Kajohnsak Chaokromthong²,
Nittaya Sintao³,
Uthai Shinawatra⁴,
and Darran Yutthawonsuk⁵

^{1, 4, 5}Kasem Bundit University, Thailand

²Rajamangala University of Technology Suvarnabhumi, Thailand

³Stamford International University, Thailand

¹cuakarn@gmail.com and

²kajohnsak7@gmail.com

³nitsin07@gmail.com

⁴shinawatre@gmail.com

⁵darran.y@outlook.co.th

Abstract - The Research Objective: 1) To study problems of Good Governance Implementation, 2) To study cause of Good Governance Implementation, 3) To study solution methods and policy recommendations of Good Governance Implementation in Operation of Intellectual Property Infringement Suppression of the officers of Economic Crime Suppression Division, and 4) To set format of Good Governance Implementation in guidelines. The research methodology using Mixed Method both Quantitative Research and Qualitative Research. Quantitative Research applied questionnaire as instrument for collecting data which the population of this research was the 146 officers of Economic Crime Suppression Division by formula of Samuel B. Green, (1991). Qualitative Research was complementary information by depth interview of experienced experts in Copyright Infringement Suppression in Cinematographic at least 10 years. The research found that Independent Variable as Personal Characteristics had Causal Relations which not an obstacle to Dependent Variable as Good Governance of Copyright Infringement Suppression. The second

group of Independent Variable was the Operation on Intellectual Property Infringement Suppression including Planning, Organizing, Personnel Management, Administration, Coordination, Reporting and Budgeting. There were a mean of 2.94 out of 4 and Standard Deviation of 0.52 with Causal Relations which not an obstacle to Dependent Variable as Good Governance of Copyright Infringement Suppression including Rule of Laws, Ethics, Transparency, Participation, Accountability and Value for Money with a mean of 2.91 out of 4 and Standard Deviation of 0.56.

Keywords - Economic Crime Suppression Division, Copyright Infringement, Cinematographic Works, Copyright Act

I. INTRODUCTION

The Establishment of Economic Crime Suppression Division supporting Growth and Violence of Economic Crime where the Executive and the Legislative had studied guidance for Royal Thai Police Department in order to meet such policy. Until B.E. 2530

(1987) Royal Thai Police Department had temporarily established Economic and Financial Crime Suppression Division. In B.E. 2532 (1989), the Cabinet had resolved to approve dated 30th December B.E. 2534 (1991) to improve Alien and Tax Registration Division as Economic Investigation Division subordinated to Central Investigation Bureau. Royal Thai Police Department had proposed the Cabinet consideration until The Royal Decree on the Classification of Government Agencies Royal Thai Police Department, Ministry of the Interior (No.20) B.E. 2535 (1992) had established Economic Investigation Division published in the Royal Government Gazette, Vol. 109, Part 25 dated 19th March B.E. 2535 (1992) and was effective on 20th March B.E. 2535 (1992) onwards. Then Royal Thai Police Headquarters had a big restructuration in order to develop and increase Corporate Potential for supporting social change. There were also The Royal Decree on the Classification of Government Agencies Royal Thai Police Headquarters B.E. 2548 (2005) and Ministerial Regulations classified Government Agencies into Divisions or Government Agencies which were named others in Royal Thai Police Headquarters. B.E. 2548 (2005), the original Government Agencies were cancelled according to The Royal Decree on the Classification of Government Agencies Royal Thai Police Department, Ministry of the Interior B.E. 2539 (1996) and then established new Government Agencies which Economic Crime Suppression Division was cancelled since dated 30th June B.E. 2548 (2005) and had established Economic and Technology Crime Suppression Division etc. On 7th September B.E. 2552 (2009) Royal Thai Police Headquarters had again restructured, Technology had separated into Technology Crime Suppression Division located at Government Center Chaengwattana Rd. therefore job description was only Economic Case with the name of Economic Crime Suppression Division (ECD) consist of: 1) Sub-Division 1, 2) Sub-Division 2, 3) Sub-Division 3, 4) Sub-Division 4, 5) Sub-Division 5, and 6) General Staff Sub-Division.

II. THEORY

Copyright Infringement had only Copyright Act B.E. 2537 (1994) which was enforced on offender who infringed others Copyrights [1]. Copyright is a legal right that grants the creator of original work exclusive rights by expression of ideas according to their copyright. Copyright was considered as intellectual property which had Economic Value and Copyright was also property that could be sold or assigned. Copyright including 9 categories as: 1) Literature Work, 2) Dramatic Work, 3) Artistic Work, 4) Musical Work, 5) Audiovisual Materials, 6) Movies, 7) Recordings, 8) Broadcasting, and 9) Other works in Literature, Science or Art. The problems of Copyright Infringement in Cinematographic which movie are a type of visual communication for using moving pictures and sound to tell stories not including video. They are big problems that have an effect on Social, Economy and International Relations in Trade and Investment. If Copyright Infringement in Cinematographic increases and there is not such solutions. Thai Cinematographic may not as develop as International Cinematographic.

III. OBJECTIVE

1) To study problems of Good Governance Implementation in Operation of Intellectual Property Infringement Suppression of the officers of Economic Crime Suppression Division.

2) To study cause of Good Governance Implementation in Operation of Intellectual Property Infringement Suppression of the officers of Economic Crime Suppression Division.

3) To study solution methods and policy recommendations of Good Governance Implementation in Operation of Intellectual Property Infringement Suppression of the officers of Economic Crime Suppression Division.

4) To set format of Good Governance Implementation in guidelines.

IV. RESEARCH HYPOTHESIS

Hypothesis 1: Personal Characteristics have Causal Relations with Good Governance Implementation in Copyright Infringement Suppression in Cinematographic.

Hypothesis 2: Operational Factors of Intellectual Property Infringement Suppression have Causal Relations with Good Governance Implementation in Copyright Infringement Suppression in Cinematographic.

V. SCOPE OF THE RESEARCH

This research focused on Good Governance Implementation in Copyright Infringement Suppression in Cinematographic of the officers of Economic Crime Suppression Division including:

1) Administrative Factors of Economic Crime Suppression Division consist of 7 types such as: 1) Planning, 2) Organizing, 3) Personnel Management, 4) Administration, 5) Coordination, 6) Reporting, and 7) Budgeting.

2) Good Governance Implementation in Operation of Intellectual Property Infringement Suppression of the officers of Economic Crime Suppression Division such as: 1) Rule of Laws, 2) Ethics, 3) Transparency, 4) Participation, 5) Accountability, and 6) Value for Money [2-3].

The population of this research was the 402 officers of Economic Crime Suppression Division.

The sample of this research such as the population representative of 146 officers of Economic Crime Suppression Division from Sub-Division 3 and Sub-Division 4 by formula of Samuel B. Green (1991).

VI. RESEARCH RESULTS

The research of Good Governance Model Implementation of Copyright Infringement in Cinematographic Works According to Copyright Act B.E. 2537 (1994) of officers of

Economic Crime Suppression Division. Research Methodology can be summarized as follows:

1. Research Sample Characteristics

The sample were the officers of Economic Crime Suppression Division as male of 61% and female of 39%, age between 38-45 years of 45.9%, married of 67.8%, Bachelor's Degree of 65.1%, Commissioned Officer of 62.3%, period of employment more than 5 years of 63.0%, monthly income of 20,001-30,000 baht of 47.9%.

1) Personal Characteristics Variable had significant effect ($F = 3.255$ and $p \leq 0.001$) on Good Governance Implementation of Copyright Infringement in Cinematographic of the officers of Economic Crime Suppression Division as Dependent Variable of 11.70-8.10%; Causal Relationships Variable at significant level between Personal Characteristics Variable and Good Governance Implementation of Copyright Infringement in Cinematographic of the officers of Economic Crime Suppression Division at significant level ($\beta_{age} = -0.233$, $p \leq 0.001$).

2) Personal Characteristics Variable had significant effect ($F = 2.449$ and $p \leq 0.05$) on The Rule of Law as Dependent Variable of 8.40-4.70%; Causal Relationships Variable at significant level between Personal Characteristics Variable and The Rule of Law at significant level ($\beta_{age} = -0.218$, $p \leq 0.01$).

3) Personal Characteristics Variable had significant effect ($F = 2.91$ and $p \leq 0.01$) on Morality as Dependent Variable of 10.60-7.00%; Causal Relationships Variable at significant level between Personal Characteristics Variable and Morality at significant level ($\beta_{age} = -0.222$, $p \leq 0.01$; $\beta_{education\ level} = 0.235$, $p \leq 0.05$).

4) Personal Characteristics Variable had significant effect ($F = 3.47$ and $p \leq 0.01$) on Accountability as Dependent Variable of 12.40-8.80%; Causal Relationships Variable at significant level between Personal Characteristics Variable and Accountability at significant

level ($\beta_{\text{sex}} = -0.156, p \leq 0.05, \beta_{\text{age}} = -0.160, p \leq 0.05$).

5) Personal Characteristics Variable had significant effect ($F = 3.49$ and $p \leq 0.001$) on Participation as Dependent Variable of 12.50-8.90%; Causal Relationships Variable at significant level between Personal Characteristics Variable and Participation at significant level ($\beta_{\text{age}} = -0.281, p \leq 0.01$).

6) Personal Characteristics Variable had significant effect ($F = 2.53$ and $p \leq 0.05$) on Responsibility as Dependent Variable of 9.40-5.70%; Causal Relationships Variable at significant level between Personal Characteristics Variable and Responsibility at significant level ($\beta_{\text{age}} = -0.183, p \leq 0.05$).

7) Personal Characteristics Variable had significant effect ($F = 1.481$ and $p \leq 0.05$) on Cost Effectiveness as Dependent Variable of 5.70-1.90%; Causal Relationships Variable at significant level between Personal Characteristics Variable and Cost Effectiveness at significant level ($\beta_{\text{age}} = -0.149, p \leq 0.05$).

2. Operational Factors of Intellectual Property Infringement Suppression; Copyright Infringement in Cinematographic

Independent Variable of the second group as Operation of Intellectual Property Infringement Suppression of the officers of Economic Crime Suppression Division.

1) Operation of Intellectual Property Infringement Suppression had significant effect ($F = 211.49$ and $p \leq 0.001$) on The Rule of Law as Dependent Variable of 57.90-58.20%; Causal Relationships Variable at significant level between Operation of Intellectual Property Infringement Suppression Variable and The Rule of Law at significant level ($\beta_{\text{Operation of Intellectual Property Infringement Suppression}} = 0.763, p \leq 0.001$).

2) Operation of Intellectual Property Infringement Suppression had significant effect ($F = 144.57$ and $p \leq 0.001$) on Morality as Dependent Variable of 48.70-48.40%; Causal Relationships Variable at significant

level between Operation of Intellectual Property Infringement Suppression Variable and Morality at significant level ($\beta = 0.763, p \leq 0.001$).

3) Operation of Intellectual Property Infringement Suppression had significant effect ($F = 332.28$ and $p \leq 0.001$) on Accountability as Dependent Variable of 68.60-68.40%; Causal Relationships Variable at significant level between Operation of Intellectual Property Infringement Suppression Variable and Accountability at significant level ($\beta = 0.828, p \leq 0.001$).

4) Operation of Intellectual Property Infringement Suppression had significant effect ($F = 134.08$ and $p \leq 0.001$) on Participation as Dependent Variable of 46.90-46.50%; Causal Relationships Variable at significant level between Operation of Intellectual Property Infringement Suppression Variable and Participation at significant level ($\beta = 0.685, p \leq 0.001$).

5) Operation of Intellectual Property Infringement Suppression had significant effect ($F = 215.97$ and $p \leq 0.001$) on Responsibility as Dependent Variable of 58.70-58.40%; Causal Relationships Variable at significant level between Operation of Intellectual Property Infringement Suppression Variable and Responsibility at significant level ($\beta = 0.766, p \leq 0.001$).

6) Operation of Intellectual Property Infringement Suppression had significant effect ($F = 225.44$ and $p \leq 0.001$) on Cost Effectiveness as Dependent Variable of 59.70-59.50%; Causal Relationships Variable at significant level between Operation of Intellectual Property Infringement Suppression Variable and Cost Effectiveness at significant level ($\beta = 0.773, p \leq 0.001$).

3. Hypothesis Testing Results

1) The results of hypothesis testing 1 found that the sample of Personal Characteristics such as the officers of Economic Crime Suppression Division had significant effect ($F = 3.255$ and $p \leq 0.001$) on Good Governance

Implementation of Copyright Infringement in Cinematographic of the officers of Economic Crime Suppression Division as Dependent Variable of 11.70-8.10%. From Multi Regression Analysis, Causal Relationships Variable at significant level between Personal Characteristics Variable and Good Governance Implementation of Copyright Infringement in Cinematographic of the officers of Economic Crime Suppression Division at significant level ($\beta_{age} = -0.233, p \leq 0.001$).

2) The results of hypothesis testing 2 found that Operational Factor of Intellectual Property Infringement Suppression had significant effect ($F = 78.168$ and $p \leq 0.001$) on Good Governance Implementation of Copyright Infringement in Cinematographic of the officers of Economic Crime Suppression Division as Dependent Variable of 79.80-78.90%. From Multi Regression Analysis, Causal Relationships Variable at significant level between Operational Factor of Intellectual Property Infringement Suppression and Good Governance Implementation of Copyright Infringement in Cinematographic of the officers of Economic Crime Suppression Division at significant level ($\beta_{Operation\ of\ Intellectual\ Property\ Infringement\ Suppression} = 0.862, p \leq 0.001$).

VII. RESULTS AND DISCUSSIONS

1. Independent Variables: Personal Characteristics

The sample of population:

1) Sex: Male of 61%; most were not an obstacle to Good Governance Implementation of Copyright Infringement in Cinematographic According to Copyright Act B.E. 2537 (1994) of the officers of Economic Crime Suppression Division.

2) Age of the officers of Economic Crime Suppression Division between 38-45 years; 45.9% of most were not an obstacle to Good Governance Implementation of Copyright Infringement in Cinematographic of the officers of Economic Crime Suppression Division.

3) Married of 67.8% were not an obstacle to Good Governance Implementation of Copyright Infringement in Cinematographic of the officers of Economic Crime Suppression Division.

4) Education of 65.1% were Bachelor's Degree found that education supported Good Governance Implementation of Copyright Infringement in Cinematographic of the officers of Economic Crime Suppression Division.

5) Rank as Commissioned Officer of 62.3% were not an obstacle to Good Governance Implementation of Copyright Infringement in Cinematographic of the officers of Economic Crime Suppression Division.

6) Period of Employment more than 5 years as 7 months of 63.0% were also not an obstacle.

7) The sample of population had monthly income of 20,001-30,000 baht of 47.9% mostly high and found that had an effect on Good Governance Implementation of Copyright Infringement in Cinematographic of the officers of Economic Crime Suppression Division.

2. Independent Variables: Operational

Factors of Intellectual Property Infringement Suppression.

1) Planning Factor had an effect on Good Governance Implementation of Copyright Infringement in Cinematographic as Dependent Variable found that Planning had identified objectives, responsible person of operation, operational approach in advance and people had participated in community for scheduling program.

2) Organizing factor had an effect on Good Governance Implementation of Copyright Infringement in Cinematographic as Dependent Variable found that Organizing had created perfect organization chart, set strategy and led to clear procedure and assigned personnel

according to organization chart that suitable for their knowledge.

3) Personnel Management Factor had an effect on Good Governance Implementation of Copyright Infringement in Cinematographic as Dependent Variable found that Personnel Management; the commander had knowledge of organization management, personnel had special knowledge of assigned procedure and promoted personnel for developing their working skills.

4) Administration Factor had an effect on Good Governance Implementation of Copyright Infringement in Cinematographic as Dependent Variable found that Administration; the commander and personnel had building a positive attitude in their department, the commander considered ability and expertise of subordinate and the commander emphasized on communication in organization and maintained at organization's regulations.

5) Coordination Factor had an effect on Good Governance Implementation of Copyright Infringement in Cinematographic as Dependent Variable found that Coordination; there were building working relationships of all parties, coordination between inside and outside department, modern and fast communication and cooperation in doing activities with people in operational area.

6) Reporting Factor had an effect on Good Governance Implementation of Copyright Infringement in Cinematographic as Dependent Variable found that Reporting had recording operations and problems of ECD in written, there was operational reporting of ECD to related department and using the assessment to improve the operation of ECD.

7) Budgeting Factor had an effect on Good Governance Implementation of Copyright Infringement in Cinematographic as Dependent Variable found that budgeting; there was enough budget allocation for operation, there was additional budgeting without waiting central budget for speedy operation and budget

allocation according to budget regulations of organization and economical budgeting.

3. Independent Variables: Good Governance Implementation of Copyright Infringement in Cinematographic

1) Rule of Laws: The officers of Economic Crime Suppression Division on Good Governance Implementation of Copyright Infringement in Cinematographic such as there was command restructuring in order to service people, protect the life and property. There was checking complaints in order to prevent any offense or abuse of power.

2) Ethics: The officers of Economic Crime Suppression Division on Good Governance Implementation of Copyright Infringement in Cinematographic such as the officers of ECD worked with accuracy and fairness, the officers of ECD performed their duties under legitimacy.

3) Transparency: The officers of Economic Crime Suppression Division on Good Governance Implementation of Copyright Infringement in Cinematographic such as there was Administrative Evaluation by continued collecting data and publicly available and Annual Budget Evaluation for Transparency in Administration.

4) Participation: The officers of Economic Crime Suppression Division on Good Governance Implementation of Copyright Infringement in Cinematographic such as there was an opportunity for personnel in their department made a complaint of any doubt and coordinated with other departments in organization consistently worked.

5) Accountability: The officers of Economic Crime Suppression Division on Good Governance Implementation of Copyright Infringement in Cinematographic such as personnel in their department considered maximum benefit of people and social as maximum duty. The commander and personnel in their department are ready to explain the reasons for working to coordinator and people.

6) Value for Money: The officers of Economic Crime Suppression Division on Good Governance Implementation of Copyright Infringement in Cinematographic such as there was Operational Evaluation of the commander and personnel in their department for Effective Management Improvement and promotion personnel for training and learning of material and equipment maintenance such as computer. Investigation and Strategy in order to develop performance capability.

VIII. PUBLIC POLICY RECOMMENDATIONS

For Good Governance Model Implementation of Copyright Infringement in Cinematographic Works According to Copyright Act B.E. 2537 (1994) of officers of Economic Crime Suppression Division.

1) Rule of Laws: Economic Crime Suppression Division should clearly determine government service in law and regulations. There will be the Improvement of Command Structure in order to protect the life and property. The commander of ECD complies with law and regulations for Administration more than personal discretion. The commander works independently not under influential people and the officers of Economic Crime Suppression Division strictly abide by the regulations and law.

2) Ethics: The commander of Economic Crime Suppression Division must honestly perform their duties, do not take into account any personal interests and companions; Decision Making and fair performing with personnel. The officers of Economic Crime Suppression Division perform their duties for public interest, accuracy and fairness under legitimacy.

3) Transparency: There will be Annual Performance Report to explain and disclosure of information to all concerned and public. There will be Annual Budget Evaluation for Transparency in Administration and Public

Relations Operations according to the plan / project to the public.

4) Participation: The commander must listen to personnel's opinions in their department and open-minded with reasonable. The commander have clarifying their department purposes about operation to the officers of Economic Crime Suppression Division and give an opportunity for personnel in their department made a complaint of any doubt.

5) Accountability: The commander and personnel in their department have high self-responsibility. Analysis of Investigation and Suppression Development for systematic work, the commander must continue pay attention to the officers of Economic Crime Suppression Division's operations for morale in the workplace.

6) Value for Money: There are Operational Evaluation of the commander and the officers of Economic Crime Suppression Division in their department for Effective Management Improvement. ECD must have application of modern equipment in order to reduce procedures of service.

REFERENCES

(Arranged in the order of citation in the same fashion as the case of Footnotes.)

- [1] Royal Thai Government Gazette. (2015). "Copyright Act B.E. 2537 (1994)". Book 132 Sec 6 A.
- [2] King Prajadhipok's Institute. (2004). "The Royal Decree on Good Governance B.E. 2546 (2003)". Bangkok: King Prajadhipok's Institute.
- [3] Office of the Public Sector Development Commission. (2009). "Good Governance Rating". Bangkok: Premier Pro.